

Message Text

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ACTION HA-05

INFO OCT-01 ARA-10 EUR-12 ISO-00 L-03 VO-05 CA-01
CIAE-00 INR-10 NSAE-00 INSE-00 JUSE-00 /047 W
-----071399 130536Z /12
R 111704Z AUG 78
FM AMEMBASSY LONDON
TO SECSTATE WASHDC 9073
INFO AMEMBASSY PORT AU PRINCE

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E.O. 11652: N/A
TAGS: SHUM PINT US HA
SUBJECT: HUMAN RIGHTS: HAITI

SUMMARY. EMBASSY HAS RECEIVED PERSONAL LETTER FROM SECRETARY GENERAL OF AMNESTY INTERNATIONAL WHICH SEEKS ASSURANCE FROM USG THAT HAITIANS NOW INVOLVED IN U.S. DEPORTATION HEARINGS WILL NOT BE HANDED BACK TO POLITICAL IMPRISONMENT OR PERSECUTION BY GOH. AI HAS ALSO ISSUED STATEMENT CRITICAL OF GOH HUMAN RIGHTS SITUATION AND OF PROCEDURES FOLLOWED BY USG IN DEPORTATION HEARINGS. ACTION REQUESTED: SEE PARAGRAPH 3 BELOW. END SUMMARY.

1. FOLLOWING IS TEXT OF LETTER DATED AUG 10 FROM AI-SYG MARTIN ENNALS TO EMBOFF. QUOTE WE ARE RECEIVING AN INCREASING NUMBER OF REQUESTS FOR INFORMATION REGARDING THE SITUATION IN HAITI FROM LAWYERS AND OTHER MEMBERS OF THE JUDICIARY IN THE UNITED STATES IN CONNECTION WITH DEPORTATION HEARINGS CURRENTLY TAKING PLACE. MOST OF THESE REQUESTS HAVE COME FROM LAWYERS DEFENDING HAITIANS IN FLORIDA AGAINST DEPORTATION TO HAITI.

WHILE THE HAITIAN GOVERNMENT HAS TAKEN SEVERAL INITIATIVES IN THE FIELD OF HUMAN RIGHTS IN THE PAST
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YEAR, AMNESTY INTERNATIONAL CONTINUES TO RECEIVE REPORT OF POLITICALLY MOTIVATED ARRESTS IN HAITI WITHOUT LEGAL SAFEGUARDS. AMNESTY INTERNATIONAL IS CONCERNED THAT THOSE HAITIANS WHO LEFT THE COUNTRY FEARING POLITICAL IMPRISONMENT OR PERSECUTION MAY FACE THE SAME TREATMENT ON THEIR RETURN.

GIVEN THAT THE UNITED STATES HAS RATIFIED INTER-

NATIONAL INSTRUMENTS ON REFUGEES CAN YOU CONVEY OUR CONCERN TO YOUR GOVERNMENT AND GIVE US ASSURANCES THAT NO-ONE WILL BE HANDED BACK TO POLITICAL IMPRISONMENT OR PERSECUTION? END QUOTE.

2. ENCLOSED WITH LETTER IS AI STATEMENT ALSO DATED AUG 10 ENTITLED "POSSIBLE REFOULEMENT OF HAITIAN REFUGEES IN USA." FULL TEXT FOLLOWS.

BEGIN UNCLASSIFIED

QUOTE IN RECENT WEEKS FEDERAL AUTHORITIES IN THE UNITED STATES HAVE INSTITUTED A LARGE SCALE PROGRAMME OF DEPORTATION HEARINGS FOR SOME 8,000 HAITIANS IN THE STATE OF FLORIDA WHO HAVE NEVER BEEN FORMALLY ADMITTED TO THE UNITED STATES. IT IS REPORTED THAT INDIVIDUAL CASES ARE BEING EXAMINED AT AN ALARMINGLY FAST RATE AND DUE PROCESS SAFEGUARDS HAVE BEEN IMPAIRED. AMNESTY INTERNATIONAL IS CONCERNED THAT THE UNITED STATES GOVERNMENT NOT DEPORT ANY OF THESE PERSONS TO HAITI WITHOUT FULLY ASSURING ITSELF THAT THEY WILL NOT FACE IMPRISONMENT OR PERSECUTION ON THEIR RETURN.

IN THE PAST YEAR, THE HAITIAN GOVERNMENT HAS TAKEN SEVERAL INITIATIVES IN THE FIELD OF HUMAN RIGHTS, MOST NOTABLY THE PRESIDENTIAL AMNESTY OF 104 POLITICAL PRISONERS IN SEPTEMBER 1977. HOWEVER, AMNESTY INTERNATIONAL CONTINUES TO RECEIVE REPORTS OF POLITICALLY MOTIVATED ARRESTS IN HAITI WITHOUT LEGAL SAFEGUARDS AND LIMITED OFFICIAL USE

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OFTEN CARRIED OUT BY THE SECURITY MILITIA, THE NATIONAL SECURITY VOLUNTEERS, THE TONTONS MACOUTES, OR THE PRESIDENT'S SECURITY CORPS, THE LEOPARDS. OVER A HUNDRED POLITICAL PRISONERS, NOT INCLUDED IN THE PRESIDENTIAL AMNESTY, HAVE NEVER BEEN ACCOUNTED FOR BY THE HAITIAN AUTHORITIES, AND IT IS BELIEVED THAT THE MAJORITY OF THEM DIED IN DETENTION. FURTHERMORE, THE "LOI ANTI-COMMUNISTE," ADOPTED ON 28TH APRIL 1969, IS STILL IN FORCE, AND PROVIDES THAT PERSONS FOUND TO HAVE MADE "ANY DECLARATION OF BELIEF IN COMMUNISM, VERBAL OR WRITTEN, PUBLIC OR PRIVATE," OR PROPAGATED "COMMUNIST OR ANARCHIST DOCTRINES BY CONFERENCES, SPEECHES, CONVERSATIONS...BY LEAFLETS, POSTERS, NEWSPAPERS..." WILL BE CHARGED WITH CRIMES AGAINST THE STATE, TRIED BY MILITARY COURT, AND, IF CONVICTED, MANDATORILY "PUNISHED BY DEATH PENALTY." END TEXT.

END UNCLASSIFIED

3. ACTION REQUESTED: EMBASSY WOULD APPRECIATE EARLIEST POSSIBLE GUIDANCE FOR SUBSTANTIVE REPLY TO SYG ENNALS. B

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, SECRETARY GENERAL, TEXTS, PUBLIC CORRESPONDENCE
Control Number: n/a
Copy: SINGLE
Draft Date: 11 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978LONDON12935
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780331-0148
Format: TEL
From: LONDON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780874/aaaacjyw.tel
Line Count: 114
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: e3d5f264-c288-dd11-92da-001cc4696bcc
Office: ACTION HA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1769632
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS: HAITI SUMMARY. EMBASSY HAS RECEIVED PERSONAL LETTER FROM SECRETARY GENERAL OF AMNESTY INTERNATIONAL WHICH S
TAGS: SHUM, PINT, US, HA, AMNESTY INTERNATIONAL, (ENNALS, MARTIN)
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/e3d5f264-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014